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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,199	05/31/2001	James M. Kain	20341-67618	9889

7590 10/08/2002

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,199

Applicant(s)

KAIN, JAMES M.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "its" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-8, 10, 12, and 25, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,792,054 to Muoio.

Muoio discloses a juvenile vehicle seat assembly that includes all the limitations recited in claims 1, 6-8, 10, 12, and 25, as best understood. Muoio shows a juvenile vehicle seat assembly having a seat 50 (Fig. 1), a seat back 32 (Fig. 1), an armrest 29

(Fig. 1) with an arm and support mount 25 (Fig. 1) with an upper wing having inner and outer flanges to receive a seat back ridge 12 (Fig. 1), and a first fastener 27 (Fig. 1) arranged above the top surface of the arm received within fastener apertures in the flanges and ridge.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 9, 11, and 27-29, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Muoio in view of U.S. Patent No. 3,297,358 to Coutts et al.

Muoio discloses a juvenile vehicle seat that is basically the same as that recited in claims 2, 3, 9, 11, and 27-29, as best understood, except the support mount lacks a lower wing with fastener, as recited in the claims. Coutts et al. show a juvenile vehicle seat similar to that of Muoio wherein the support mount has a lower wing with a second fastener 26 (Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the juvenile vehicle seat of Muoio such that the support mount has a lower wing with a second fastener, such as the seat disclosed in Coutts et al. One would have been motivated to make such a modification

in view of the suggestion in Coutts et al. that the multiple fastener spaced on the upper and lower part of the support mount allows for a rigid connection.

6. Claims 4, 5, 30, and 31, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Muoio in view of Coutts et al. as applied to claims 2, 3, 9, 11, and 27-29, as best understood above.

Muoio, as modified, discloses a juvenile vehicle seat assembly that is basically the same as that recited in claims 4, 5, 30, and 31, as best understood, except that the specific fastener are not specified, as recited in the claims. However, it would have been an obvious matter of design choice to make the fasteners having threaded barrels and screws with specific lengths, since such a modification would have involved a mere change in fastener type. A change in length and fastener types is generally recognized as being within the level of ordinary skill in the art.

7. Claims 13-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muoio in view of Coutts et al. as applied to claims 2, 3, 9, 11, and 27-29, as best understood above, and further in view of U.S. Patent No. 3,279,848 to Walker.

Muoio, as modified, discloses a juvenile vehicle seat assembly that is basically the same as that recited in claims 13-24 and 26 except that the armrest lacks a load support panel, as recited in the claims. Walker shows a juvenile vehicle seat assembly similar to that of Muoio wherein the armrest 42 (Fig. 2) has a load support panel 49 (Fig. 1) to block pivotable movement of the armrest. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the juvenile vehicle seat assembly of Muoio such that the armrest has a load

support panel, such as the seat assembly disclosed in Walker. One would have been motivated to make such a modification in view of the suggestion in Walker that the load support panel prevents unwanted rotation of the armrest.

Response to Arguments

8. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new grounds of rejection. Applicant states that claim 7 has been rewritten in independent form and thus claims 7-9 are allowable. In the amendment filed 23 July 2002, claims 7-9 were not amended and are presently dependent upon amended independent claim 6. See above the rejection for amended claim 6 and dependent claims 7-9.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE
October 3, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600